

A/D

Notification of Non-Compliance with 37 CFR 1.192(c)

Application No.

09/315,796

Applicant(s)

Davis et al.

Examiner

Stephen Funk

Art Unit

2854



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The Appeal Brief filed on May 15, 2002 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer; (2) TWO MONTHS from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☒ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See attached explanation.

**STEPHEN R. FUNK
PRIMARY EXAMINER**

Art Unit: 2854

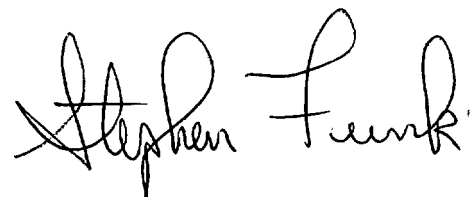
ATTACHMENT TO PTO-462

First, appellant has not provided each of the specific items (i.e. the nine headings) required by 37 CFR 1.192(c). For example, there is no "Grouping of Claims" heading. See MPEP § 1206. Applicant is reminded that 37 CFR 1.192(c)(7) requires compliance between the grouping of the claims and the corresponding arguments.

Second, appellant has not filed a formal amendment placing the claims in proper form in response to the requirement in the last office action. A separate amendment is required to correct the deficiencies noted in the last office action, in particular, amending claims 9,15, and 21 with respect to the *original* patent only (by underlining and/or bracketing) and completely underlining claims 42 - 151 with no bracketing. For example, note claims 73, 82, 96, 100, and 120. See MPEP § 1453. The copy of the pending claims should be in accordance with MPEP § 1454.

Third, applicant must incorporate the supposed amendments to claims 91 - 123 in the formal amendment. Such amendments cannot be made only to the copy of the claims in the Appendix. Applicant is reminded that specific amendments to new claims must be addressed in the Remarks. See MPEP § 1453 *Amendment of New Claims*.

Fourth, there are two copies of claims 72 and 94 in the Appendix.



STEPHEN R. FUNK
PRIMARY EXAMINER